

# Notice of Allowability

Application No.

09/883,409

Examiner

Monique T. Cole

Applicant(s)

GAUTSCHI ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/16/2004.
2. ☒ The allowed claim(s) is/are 8/16/2004.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*M. Cole*  
Monique Cole  
Patent Examiner  
Technology Center 1700

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Howard Lee on November 1, 2004.

The application has been amended as follows ("lines" as used herein refer to text lines and exclude the compound structures):

- In claim 1, line 9, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 1, line 9, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 1, lines 12-13, delete "C<sub>1</sub>-C<sub>4</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkenyl--.
- In claim 1, line 13, delete "C<sub>1</sub>-C<sub>4</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkynyl--.
- In claim 1, line 16, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 1, line 16, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 1, line 21, delete "C<sub>1</sub>-C<sub>15</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkenyl--.
- In claim 1, line 21, delete "C<sub>1</sub>-C<sub>15</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkynyl--.
- In claim 1, lines 23-24, delete "C<sub>1</sub>-C<sub>10</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkenyl--.
- In claim 1, line 24, delete "C<sub>1</sub>-C<sub>10</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkynyl--.

- In claim 1, line 28, delete "C<sub>1</sub>-C<sub>15</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkenyl--.
- In claim 1, line 28, delete "C<sub>1</sub>-C<sub>15</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkynyl--.
- In claim 1, line 30, after "(I)", insert -wherein:--.
- In claim 1, line 31, delete "are excluded when:"
- In claim 1, line 36, after the last occurrence of "H", insert -are excluded--.
- In claim 14, line 3, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 14, lines 3-4, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 16, lines 4-5, delete "C<sub>1</sub>-C<sub>4</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkenyl--.
- In claim 16, line 5, delete "C<sub>1</sub>-C<sub>4</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkynyl--.
- In claim 18, line 6, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 18, line 6, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 18, line 10, delete "C<sub>1</sub>-C<sub>4</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkenyl--.
- In claim 18, line 10, delete "C<sub>1</sub>-C<sub>4</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkynyl--.
- In claim 18, line 13, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 18, line 13, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 18, line 17, delete "C<sub>1</sub>-C<sub>15</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkenyl--.
- In claim 18, line 17, delete "C<sub>1</sub>-C<sub>15</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkynyl--.

- In claim 18, lines 19-20, delete "C<sub>1</sub>-C<sub>10</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkenyl--.
- In claim 18, line 20, delete "C<sub>1</sub>-C<sub>10</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkynyl--.
- In claim 19, line 5, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 19, line 5, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 19, line 6, after "R<sub>3</sub> and R<sub>4</sub>" insert --,--.
- In claim 19, line 6, after "and R<sub>4</sub>," delete ",".
- In claim 19, line 9, delete "C<sub>1</sub>-C<sub>4</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkenyl--.
- In claim 19, line 9, delete "C<sub>1</sub>-C<sub>4</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkynyl--.
- In claim 19, line 12, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 19, line 12, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 19, line 16, delete "C<sub>1</sub>-C<sub>15</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkenyl--.
- In claim 19, line 16, delete "C<sub>1</sub>-C<sub>15</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkynyl--.
- In claim 19, lines 18-19, delete "C<sub>1</sub>-C<sub>10</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkenyl--.
- In claim 19, line 19, delete "C<sub>1</sub>-C<sub>10</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkynyl--.
- In claim 20, line 5, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.

- In claim 20, line 5, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 20, line 9, delete "C<sub>1</sub>-C<sub>4</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkenyl--.
- In claim 20, line 9, delete "C<sub>1</sub>-C<sub>4</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>4</sub>-alkynyl--.
- In claim 20, line 12, delete "C<sub>1</sub>-C<sub>6</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkenyl--.
- In claim 20, line 12, delete "C<sub>1</sub>-C<sub>6</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>6</sub>-alkynyl--.
- In claim 20, line 16, delete "C<sub>1</sub>-C<sub>15</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>15</sub>-alkynyl--.
- In claim 20, line 18, delete "C<sub>1</sub>-C<sub>10</sub>-alkenyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkenyl--.
- In claim 19, lines 18-19, delete "C<sub>1</sub>-C<sub>10</sub>-alkynyl" and insert therefor -C<sub>2</sub>-C<sub>10</sub>-alkynyl--.
- All occurrences of C<sub>1</sub>'-alkenyl or C<sub>1</sub>-alkynyl substituents should be replaced with C<sub>2</sub>-akenyl or C<sub>2</sub>-akynyl in the specification.

The above changes are being made to correct an inadvertent error in the claims and specification.

Those of ordinary skill in the art would recognize that there is no possibility of C<sub>1</sub>-alkenyl or C<sub>1</sub>-alkynyl substituents without exceeding the valency of the carbon atoms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique T. Cole whose telephone number is 571-272-1255.

The examiner can normally be reached on Monday-Thursday from 6:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique T. Cole

Examiner

Art Unit 1743

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